

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALONTE FOARD,

Defendant.

8:20-CR-333

ORDER

This matter is before the Court on the defendant's Motion to Receive Trial, Pretrial, and Sentencing Transcripts. [Filing 267](#). The Court notes that the defendant, who is now pro se, previously had an attorney appointed under the Criminal Justice Act. The defendant asserts that "he has submitted a motion for extension to the Eighth Circuit to file a petition for en banc [rehearing]." [Filing 267 at 2](#). The Court notes that on October 8, 2024, the Eighth Circuit granted the defendant's motion for extension. *See Order, United States v. Foard*, No. 23-2349 (8th Cir. Oct. 8, 2024). The defendant contends that access to certified copies of his transcripts "is required to afford [him] the opportunity to fully appreciate his fifth and sixth amendment rights on direct appeal." [Filing 267 at 3](#). The defendant requests that he receive transcripts in accordance with 28 U.S.C. § 753(f), or alternatively, that the Court order the defendant's previous attorney to provide him with copies of his transcripts. [Filing 267 at 3](#).

There is no need to determine whether the defendant is entitled to receive transcripts under [28 U.S.C. § 753\(f\)](#) because the defendant's previous attorney shall provide the defendant with copies of the requested transcripts. Accordingly,

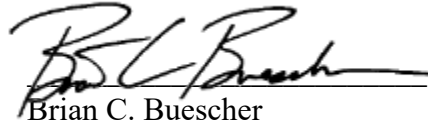
IT IS ORDERED:

1. The defendant's former counsel, Peder C. Bartling, shall furnish the defendant with any transcripts in his possession that is related to the defendant's case;

2. The defendant's Motion to Receive Trial, Pretrial, and Sentencing Transcripts, [Filing 267](#), is dismissed as moot without prejudice to reassertion; and
3. The Clerk's Office shall transmit a copy of this order to the defendant and Mr. Bartling.

Dated this 10th day of October, 2024.

BY THE COURT:


Brian C. Buescher
United States District Judge